

ENTERED

December 30, 2020

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

ROSENDO PADILLA, JR.,

Plaintiff,

VS.

THOMAS QUINTERO,

Defendant.

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CIVIL ACTION NO. 1:19-CV-119

ORDER ADOPTING REPORT AND RECOMMENDATION

Plaintiff Rosendo Padilla, Jr. brings this action against Thomas Quintero, a deputy clerk in the Cameron County District Clerk's Office. Padilla alleges that for over a year, Quintero delayed filing a motion that Padilla sought to file to challenge the validity of a prior state court conviction. (Petition, Doc. 1, 1–2; Brief in Support, Doc. 1-1, 1–2) Quintero has moved for judgment on the pleadings. (Motion, Doc. 29)

The Magistrate Judge issued a Report and Recommendation (Doc. 40) recommending that the Motion be granted and that Padilla's claims be dismissed. Padilla filed objections. (Doc. 42)

The Court has conducted a *de novo* review of the record and the applicable law in this case. In his objections to the Report and Recommendation, Padilla re-urges arguments he presented to the Magistrate Judge, and which the Report and Recommendation ably and correctly addresses.

Accordingly, the Court **OVERRULES** Padilla's objections and **ADOPTS** the Report and Recommendation (Doc. 40). It is:

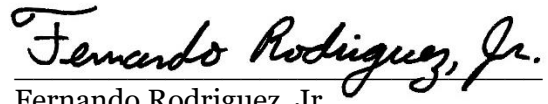
ORDERED that Defendant's Motion for Judgment on the Pleadings (Doc. 29) is **GRANTED**;

ORDERED that Plaintiff Rosendo Padilla, Jr.'s claim to have the Court order Defendant Thomas Quintero to calendar the motion is **DISMISSED WITHOUT PREJUDICE**; and

ORDERED that Plaintiff Rosendo Padilla, Jr.'s claim regarding denial of access to the court is **DISMISSED WITH PREJUDICE**.

The Clerk of Court is directed to close this matter.

SIGNED this 30th day of December, 2020.



Fernando Rodriguez, Jr.
United States District Judge